INEFFICIENT TAX LAWS AND ADMINISTRATION

BY ALLEN RIPLEY FOOTE.

President, National Tax Association, Commissioner, Ohio State Board of Commerce.

A PAPER READ BEFORE THE TAX COMMISSION OF OHIO ON NOVEMBER 11, 1907.

(Copies of this address in pamphlet form may be secured by addressing the Ohio State Board of Commerce, Columbus, Ohio.)

An intelligent study of the state | and local tax laws now in operation in the several states will disclose the fact that these laws have been formu-late; with little knowledge of or regard for the requirements of economic principles. In this remark Ohio is not principles. In this remain Ohio is not more unfortunate than many of the other states

Article 12, Section 2, Ohio Constitu-

tion adopted 1851: "Laws shall be passed, taxing by uniform rule, all meneys, credits, in-vestments in bends, stocks, joint stock companies, or otherwise; and also real and personal property according to its true value in money."

Those who formulated the existing constitution legislated into it this rule of taxation which was at that date, 1851, the rule in customary use. date, 1851, the rule in customary use. This rule blads the neople of 1907 to the knowledge of the subject possessed by the people of a former century who were dealing with conditions wholly unlike those editing today, an inelastic rule which deprives the people of all power to deal with present-day conditions as their intelligence may show them to be best. Legislation, indicated into state constitutions, results in the government of the presentation in the government of the presentation. results in the covernment of the present by the dead brain of the past. It permits no growth in intelligence. It provides for no changes in conditions. Having supered from this evil, great care should be exercised not to per-petuate it in any amendment to our constitution that may now be submit-ted to the people. We should recognize the fact that we are not more capable of legislating for the people who will live in this state 50 years hence than were those who lived here 50 years

The Uniform Rule of Taxation, Applied to Real Estate,

ago to legislate for us.

The rule of taxation legislated into The rule of taxation legislated into the constitution of 1851 requires the taxation of all property, tangible and intangible, at its true value in money and at a uniform rate. This is the and at a uniform rate. This is the rule of the general property tax, a rule that is condemned by every well-in-formed economic student; a rule that has been tried and abandoned by the people of every civilized country ex-cepting the American states.

The practical impossibility of as-sessing all property for taxation at its true value in money is due to the fact that value is not a concrete nor a sta-ble condition. Any statement of value is simply an expression of opinion. It is not possible for time whose duty it is to value property for taxation to agree in their views regarding value, whether they are ewners or assessors.

though every one of them may be ab I have a watch. The law requires that it s all be assessed for fixation at its true value in money, How many of is true value in alon y, how many of you are competed to fix that value? If you attempt to so it every one of you will give it a different value. This accounts for the absurd statement of the value of watches returned for tax-ation in this state, it illustrates the absurdity of employing a man at two or three dollars per day to value all the real and personal presents within a taxing district and resulting him to have his work completed within nine-ty days. It exposes the enregious folly of requiring a small busy of men to meet in Columbus once in ten years to equalize the value of all prop-erty within the state, and of making years to equalize the value of all property within the state, and of making their decision binding upon the state for ten years to come. What higher premium than this is needed to induce undervaluation? The county commissioners or assesses who can secure the greatest relative undervaluation for the real and personal property placed on the displicate of their county will free the taxonayers of their county from the payment of a corresponding portion of the state tax, not for one year only, but for ten. The same inducement to andervaluation

for one year only, but for ten. The same inducement to undervaluation influences the action of assessors for taxine districts within a county, and of individual tarpayers within taxing districts. The shifting of the incidence of taxation, whose some are undertaxed, causes others to be overtaxed. This is a condition that does violence to every requirement of instite. To This is a condition that does violence to every requirement of justice. To demonstrate how impossible it is to enforce the uniform rule in taxation by the methods that have been employed. I have had investigations made to show what success has been achieved, after fifty-live years of experience, in Adams, Brown, Monroe and Montgomery counties. All trans-

perience, in Adams, Brown, Monroe and Montgomery counties. All transfers of real estate recorded in these counties for the year 1906 have been compiled. Those in which the selling value was not properly expressed were excluded from the list. The value at which each piece of property was assessed for taxation has been entered on the list in a parallel column with its selling value.

This exhibit shows the average taxable value of real estate in these counable value of real estate in these counties to be the following per cent of its selling value:

Assuming that selling value is the true value in money of the property sold, this exhibit proves that in these counties from 49.7 per cent to 63.3 per cent of the true value of real es-tate evaded taxation in 1906 by under-

But this is not all that is shown in this exhibit. The statement of an average is an acknowledgment that there were valuations below and also there were valuations below and also above the average. To show the wide variation in this respect, the two extremes may be taken. In Adams county, 191 transfers were assessed at an average of 11.3 ner cent of selling value, while 121 transfers in the same county were assessed at an average of 120.7 per cent.

county were asse of 120.7 per cent In Brown county, 78 transfers were

In Monroe county 97 transfers were assessed at an average of 10.8 per cent of selling value, while 36 transfers were assessed at an average of 107.2 per cent.

In Montgomery county, 824 transfers were assessed at an average of 123 per cent of selling value, while 155 transfers were assessed at 106.9

per cent.

If we are to have justice in taxation.

If we are to have justice in taxation, some method must be found by means of which those who are overvalued can succeed in requiring those who are undervalued to pay their fair share of taxation.

The Uniform Rule of Taxation Applied to Personal Property.

Personal property paid 30 per cent of the total tax collected in 1852. In 1906 it paid 27 per cent. This shows a loss of 3 per cent. It is an undisputed fact that the relative value of personal property to the value of real estate is very much greater now than in 1852, but the portion of total tax paid is 3 per cent leas. But this does not show the whole truth. At the present time the personal property investigated should be increased by investigated should be increased by

personal property of public service corporations, a form of personal property that did not exist in 1852. To show the true portion of the total tax now being paid by the personal prop-erty of the same kind as that taxed in 1852 it is necessary to deduct the personal property tax paid by public service corporations from the total tax paid on personal property. This calculation has been made for the counties of Adams, Brown, Cuya-hoga, Franklin, Lucas, Monroe and Montgomery, and the following re-sults appear:

Per cent of total tax paid by personal property: Per Cent Per Cent

Franklin areas

This demonstrates that the per cent of the total tax paid by personal property in counties containing large cities, where the accumulation of per-sonal property is greatest, is decided-ly less than it was in 1852, while in counties containing no large cities it is about the same or has increased. It also demonstrates that farmers who insist upon the enforcement of the It also demonstrates that farmers who insist upon the enforcement of the law and the perpetuation of the uniform rule as it stands in the constitution are thereby penalizing themselves. Their personal property is largely tangible in form and about as incapable of evading taxation as their lands. An enormous amount of the personal property owned in cities is intangible in form and therefore capable of evading taxation. able of evading taxation.

Repressive Effect of the Tax Rate. Under the uniform rate of taxation, in 1906 Holmes county had the lowest average tax rate of any county in the state. It was 168 per cent. Paulding county had the highest average tax rate. It was 3.55 per cent. Oregon taxonable because township, Lucas county, had the lowcounty, and the low-cst tax rate of any taxing district. It was 75 per cent. Continental corporation, Putnam county, had the highest tax rate of any taxing district It was 6.18 per cent. In the principal cities of the state the tax rate for 1906 averaged about 3 per cent.

Argument is not resourced to show

Argument is not removed to show Argument is not taillifed to that that no person can afford to list money, stocks, bonds or credits of any kind and pay a 3 per cent tax on their full value. If this class of property is listed at all, it must be listed at full value, because its value is fixe by a mathematical calculation, not by the exercise of in later exercise of justicial discretion the exercise of indical discretion. The administrators of the law, who permit real estate to be valued at from 36.7 to 50.2 per cent of its selling value, have no choice, under the ing value, have no choice, under the uniform rule, but to value money; the stocks and bonds of solvent corporations; the mortgages, notes and other evidences of indebtedness of solvent debtors at full par value. Valuing real estate at from 30 to 50 per cent of full value, and valuing intangible personal property at full value, and assessing both at a uniform rate on such valuation computs evasion for the personal property at full value, and assessing both at a uniform rate on such valuation computs evasion for the personal property in overstances. intangible personal property in every nossible way.

If it were made certain that all the mency on deposit in Ohio tanks would be taxed 3 per cent on assessment day, the mad attempt to withdraw this money and put it where the state could not tax it would close every bank in the state. It would destroe all industrial and commercial

destroy all inclustrial and commercial business in the state.

Will any person say what business conditions would be if, in every principal city in the state, it was made certain that all money on deposit and in the state. in the pockets of the people and every solvent credit would be taxed at 3 per solvent credit would be taxed at 3 per cent on its full value as the constitu-tion requires? Will anyone say what rate of interest manufacturers, mer-chants and builders would have to pay on their loans under such condi-tions? How could business be done under such conditions in computition under such conditions in competition with conditions as they exist in other

Will anyone explain what interest rate a far or fiving in Paniding county will have to pay when he wants to borrow money if it is made certain that the lender will have to pay a tax of 2.29 on the full amount of his loan? of 3.79 on the full amount of his loan?
Will any one fix the rate of interest for the small home owner in Continental corporation. Putnam county. when it is made certain that the lender must pay a tax of 6.18 per cent on the full amount of his loan? The undervaluation of real estate raises the tax rate. The higher the tax rate, the less is the relative revenue from personal property. The result of the policy of undervaluing real estate and of taxing personal property on full valuation at the same rate as real estate, is to destroy the revenue-producing ability of the per-sonal property tax. This is demonsonal property tax. This is demonstrated by the experience of every community where a charge has been made from a high to a low tax rate on personal property. Should this state exempt money and all non-income earning personal property from faxation, and tax all other personal property at not more than one-quarter of one per cent the revenue setural from the personal property tax would be increased from 10 to 29 times. This statement is confirmed by the experience of the effective from the experience of the effective forms. to 29 times. This statement is confirmed by the experience of the city of flat incre the state of Coarecticut, the state of New York, and every place in the civilized world where a change has been made from a high to a low tax rate on intangible prop-

Every decrease in the tax rate, or in the exemption of personal property from taxation, will tend to induce its

accumulation. This will be a direct benefit to real estate. Land has great-est value upon which personal prop-erty of greatest value can be induced locate he fact that in those counties where custom, wiser and stronger than the law, has permitted the greatest eva-sion of the personal property tax, the increase in the value of real estate is treatest. assessed at an average of 12.6 per cent of selling value, while 78 transfers were assessed at an average of 111.6 per cent.

In the value of real estate is treatest. The per cent of gain in the valuation of real estate from 1852 to 1906 in the counties named has been:

Per Cent of Total Tax Paid by Personal Prop-Real Estate erty, Cain, 1852. County Per Ct. Per Ct. Per Ct. Brown 282 4880 1885

Monroe

eal estate is shown to be underval-ied, the increased valuation (with the valuation of personal property un-changed) would result in a decrease

of the tax rate as follows: Valuation. Rate. P. Ct. P. Ct. Adams, present velua-Adams, full valuation... 43,4 Brown. present valua-Brown, felt valuation... 100 Monroe, present valua-Montgomery, present valuation 37.1 Montgomery, full valua-

It is clear from this statement that o evade a part of a just share of tax tion of real estate by undervaluation a nowise, and causes owners to be osers instead of gainers, not only obliged to pay about the sime amount of taxes through an inreased rate on a decreased valuation, but they pay an increased portion of the total tax through decreasing the revenue derived from personal prop-erty, caused by the depressing influence of a high rate.

Growth of Taxation. The growth of the grand duplicate and of taxes paid, state and local, from 1852 to 1907, is summarized as fol-

lows: (1) Taxes pull on personal property, increase Population, increase, 1850-1900, 109.9 (1) These figures include the per soul property valuation and taxes paid by public service corporations, Growth of Taxation and Population. For state purposes, increase, 1886-1896, 124 per cent; 1896-1996, 55.3 per rent; ratio of increase second over first period, 345.9 per cent. For local purposes, increase, 1886-1896, 12.4 per cent; 1896-1906, 55.3 per cent; ratio of increase second over

first period, 16.3 per cent. Population, increase, 1880-1890, 14.8 per cent; 1890-1900, 13.2 per cent; de-The unsound economic policy of attempting to abolish the general prop-erty tax for state purposes through seoring all needed state revenue from ecial taxation was entered upon by e state of Ohio by the enactment of a law assessing an excise tax, so-called, on the gross earnings of public ervice corporations. In 1902 the Cole law was enacted increasing this ex-cise tax 100 per cent, increase in the rate being from one-half to one ent; the Willis law was enacted at he same time, assessing a tax of one tenth of one per cent on the capital stock of business corporations and taking for state purposes all revenu erived from the taxation of life and insurance companies. Because general property was reduced from 2.89 per cent to 1.35 per cent by this means, many persons crease in taxation has been effected by "shifting the burden from farmers and small home owners to the broad shoulders of corporations more able

to bear it."
These data show that there has been no actual nor relative decrease in taxation, but, on the contrary, there has been an actual and relative in crease in taxation during the ten-year period from 1896-1906, covering the time this policy of special taxation has been in operation, as compared with the ten-year period from 1886 to 1890, when none of these special taxes was being collected.

was being conceed.

Special taxes for state purposes wherever assessed have invariably resulted in an enormous growth in state taxation. The result in Ohio is now before the contraction of the contractio sefore you. Compare the growth of state taxation in relation to local tax-ation and population, and of local tax-ation in relation to population, and answer the question. Do these re-sults show that the present taxation we have less than the present taxation policy of Ohjo is economically sound? We have heard much about the policy of shifting the burden of taxation from farmers and small home owners by means of special taxes for state purposes. In 1902, when this policy was given its strongest impetus, the average tax rate in Paulding county. was given its strongest impetus, the average tax rate in Paulding county was 2 nor cent. In 1905, four years after the enactment of the Cole and Willis laws, the average tax rate of Paulding county was 3.99 per cent. From such relief the farmers and small home owners of Paulding county may justly pray to be relieved. Deprived of a Growing Basis of Tax-

ation. The requirement that all property shall be taxed on its true value in money by a uniform rule at a uniform rate, deprives the state of the benefit rate, deprives the state of the benefit of a growing basis of taxation for an exceedingly large and rapidly-increasing class of property—that of public service corporations. As there was no such property in 1851, it is not surprising to find that the constitutional provision on taxation, then adopted, is unsuited to the proper taxation of this class of property. Unlike all private property, the property of public service corporations is affected with service corporations is affected with a public interest which renders valua-tion an illogical basis for its taxation. by giving adequate service at low rates, public service corporations render a service to the people of far greater benefit tean the people can gain from any amount of taxation it is possible to exact from them. As the amount of a tax most always he the amount of a tax must always be taken into the account of operating expenses, the tax rate should be based on service charges, so that it may be known precisely what per cent of the service charge is taken for taxes. With this information before them, the people can determine which of two policies they will adopt—low service charges and no taxes; or high service charges and a correspondingly high rate of taxation. When gross earnings from service charges is adopted as the sole basis of taxation for public service corporations, the amount of the tax can be determined by a mathematical rule, thus eliminat-ing the crude and unsatisfactory method of determining the amount of the tax by judicial discretion exer-cised by a multitude of assessors, and the tax will bear a recognizable rela-tion to service charges.

Gross-earnings has the additional advantage of being a growing basis for taxation thus increasing automatically and without friction the amount of the tax paid. This is clearly shown by comparing the growth of the grand duplicate with the growth of the gross earnings of public service corporations used as a basis for assessing the state excise tax for ten years, from 1896 (when the excise tax was first assessed) to 1906, as follows: Per Ct

Increase of grand duplicate... 28.64 Increase of gross earnings.....119.82 This shows how great a gain would have been made for the people if, in 1896, instead of attempting to secure increased revenue from public service accreased revenue from public service corporations by the imposition of an excise tax on gross earnings of one-half of one par cent increased to one per cent in 1902, an investigation had been made to determine what per cent on gross earnings was being paid for taxation, state and local, and adomting that per cent for gross adopting that per cent for a gross earnings tax in lieu of all other taxation. This would have substituted a tion. This would have substituted a rapidly increasing for a slow growing basis for taxation. It would also have removed all cause of friction between public service corporations and tax

or corruption.

A corresponding gain can be made with still greater collateral benefits by substituting for the state general property tax a state tax on the gross income from taxation of all local tax-ing bodies in the state. The growth of the grand duplicate from 1896 to

1906 was 28.64 per cent. The growth of taxes collected for local purposes for the same period was 55 per cent. Accounting For Proceeds of Taxation.

Any discussion of the subject of tax-ation without considering the question proper accounting for the pro-of taxation is illogical and unprofitable. A proper accounting sys-tem is fundamentally necessary to show: (1) The amount of revenue derived from each classified source and the relation of such revenue the basis of taxation, whether value tion or gross carnings or any basis that may be adopted for specific class. This can not be done without a constitutional provision per mitting a classification of subjects for matting a classification of subjects of each class of subjects within the jurish-tion of a taxing body, by a unifor-ture on a back tool at a rate the will be just to the adjust tay 1. If A correct accounting resistant will she in connective sixtement, year toors the lotal amount expected. year, the total amount expended year, the total amount expended by the state and local (axine bodies for each classified purpose. This will en-able taxpayers to see at a glance where economic efficiency has been established, or is lacking, in the ad-ministration of their public business. It is infinitely better public policy is precessed the efficiency of the axine it. increase the efficiency of the exper are of money raised by taxation tha is to increase the amount from taxpayers to provide for inefficient expenditures. Ways and mean for making the taxpayer's dollar g es far as possible in satisfying publi demands should be studied as pe demands should be studied as per-sistently as methods are studied for taking from taxpayers the largest pos-sible number of dollars with the least possible protest, which is the true meaning of the domand that the larg-ent jossible revenue should be ab-tained from special sources.

Remedies For Taxation Evils. (1) An amendment to the constitution that will permit a classification the subjects for taxation; the adoption. tion of a baris for the taxation of each class that will be best suited to its economic development; and the fixing of a tax rate that will be just to the sail of taxed and calform throughout jurisdiction of the authority levy

The substitution for the gen ral property tax for state purposes a tax upon the gross incomes of all cal taxing bodies, thus rendering a board of equalization wholly un cessary and placing the pressure o ny in local expenses, instead of un-r valuations by local assessors and, the same time, it will exercise a straining influence on state expendi-es through direct responsibility to a people for the growth of state tax-on. The same principle can be ap-ed for county invation upon the inplied for county taxation upon the in-come of all local taxing bodies within the county, thus rendering county equalization of property values entire-ly unnecessary. This will limit the necessity for equalization of property values to the taxing bones having original jurisdiction over valuation. Within this small area equalization of assessed values can be attempted with best prospects of successful ac-complishment. complishment.

(3) The securing of the equal and full valuation of all property through the appointment of well-paid assessors who will devote their time continuously, for long periods of years, to the work of correcting assessments and through making every taxpayer an assistant in this work by a yearly publi-cation of all assessments and the hearing of all complaints claiming too high a valuation on the property of the completaant or too low a valuation on other property. Owners of prop-erty that is assessed at 120 per cent of its transfer value are injured as nice by the assessment of other property at only 11.2 p r cent of its rensfer value as they are by the over-a uation of their own or perty. A nears should be provided for the cor-

from personal property by its sens low annual tax rate of not to exce one-quarter of one per cent, or the adoption of a relational tax on mortgages of one mili of one per cent as was been done in New York and Min-

(5) The creation of a permanent ax commission of three me obers, a pointed by the governor, will equitions, to administer all tax laws to the end that their efficiency may be increased and the exhibits of their administration decreased and to reed time such changes in tax laws as will tend to make them more equitable, simple and I se expensive.

By persist and and intelligently working on the lines of these suggestions, Ohio may soon become the lans, Oble may soon become the cader of all states in developing a simple and just system of state and lceal 'asadon.

WHO, INDEED?

President J. L. Leary of the Pittsburg Peace society on a recent visit to Germany endeavored to persuade the leading German toy makers to stop making warlike toyscannon, soldiers, guns, etc .- on the ground that such playthings fostered an ugly spirit in little children.

"But I failed," said the good peace advocate shortly after his return. "I could not bring the Germans to my way of thought. They held that the abolition of war was still a long way off."

He sighed. "And I suppose," he said, "that the abolition of war will be a long way off till the young private does his own thinking-till the poor, brave lad who is only 'food for powder' considers war logically.

"There is a young private in the west-I heard of him the other day -who is logical enough. I wish there were more like him.

"His regiment had been fitted out with new uniforms, and the colonel inspected the men in their dapper clothes one morning. After inspection he made a little speech.

"'And I expect each one of you' -so the speech ended—'I expect each one of you to honor his new uniform by behaving like a general." "The private smiled and said fair-

ly loud: "I wonder who'd do the fight ing, then, sir?" "-San Antonio Express.

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THE Toledo Blade Toledo, Ohio.

McCLURE'S FOR 1908. Plans for McClure's for the coming year have just been announced. The magazine, judging from its prospectus, will continue to deal with great and important subjects. The first of these began in the November number. It is a series of articles on

Great American Fortunes

This series of articles by Burton J. Hendrick will tell the story of the most wonderful era of fortune building in history. The development of a virgin continent of boundless wealth within the memory of men now living is an industrial feat unparalled in the history of the world. The record of this development is the history of a great political, financial, and industrial struggle. But added to the absorbing historical interest of these articles is a spice of romance and adventure which makes fiction seem flat. Here are Arabian Nights dreams come true Girdling a great continent from sea to sea with iron rails, stringing it with lights, taking from the heart of it thousands of tons of precious metal, the gourd-like growth of a great nation, are the facts in the background of fabulous American fortunes ranging from twentyfive millions upward. It is a story of extraordinary personalities, of great games of chance, of industrial warfare, po-

litical and incredible fact.

Carl Schurz Reminiscences The extraordinary popular interest aroused by the two series already published has decided the editors to add several other artire invation upon spending instead cles during 1908. At the close of aduation, which will induce econtable war Mr. Schurz's acquaintthe war Mr. Schurz's acquaintances included nearly all the political leaders of the day. His estimates and descriptions of these men are invaluable for their remarkable vividness and the freshness of first-hand impressions. In these later articles, Mr. Schurz tells of his services as a United States Senator, of his career as an editor, of his activities as a man of letters and a public-spirited citizen.

Ellen Terry Memoirs

It would be difficult to overstate the importance of Ellen Terry's Memoirs-they are a chronicle of the literary and artistic development of the last half-century. They present the impressions of a woman, who during her extraordinary experience came into contact with nearly all the foremost personages of her time. They tell the story of a gifted artist and a lovable woman, and in a way that displays to a peculiar degree the wonderful charm of her personality.

Life of Mary Baker G. Eddy

The articles on the "History of Christian Science and the Life of Mary Baker G. Eddy," by Georgine Milmine, have been recognized the country over as the most important series of the year. In the closing chapters will be found an account of "Conspiracy and Rebellion," the second rup-ture of Mrs. Eddy's ranks and the secessions of thirtysix of the leaders of her church; "War in Heaven', the story of the Eddy-Woodbury feud, and some of the grotesque extravagances which lay behind it.

George Kibbe Turner

and George Kennan are gathering facts for a series of articles dealing with perhaps the two most momentous questions which confront the American people. One is largely economic in its nature; the other is not only economic, but it touches almost every home in the country in a vital way. Definite announcements of these two series will be made later in the year. In Europe, Mr. Cleveland Moffett is gathering material for a study of the Hamburg filter plant and the story of a remarkable wild animal farm in Germany.

The Serial of the Year Those who enjoy a good serial will do well not to miss "The Wayfarers," by Mary Stewart Cutting, which begins in the De-cember number. It is one of the rarest things in modern literature—a real love story—and the author of "Little Stories of Mar-ried Life" has her own fresh and delightful way of telling it. "Romance is a flowering weed that grows in any soil," she declares in the opening chapter, and Mrs. Cutting takes her characters, average men and women of moderate means-the representative class of the country-through a most interesting series of busi-

ness and domestic adventures. Stories of Adventure

Then, there are to come many good old-fashioned thrilling tales of adventure, both fiction and authentic narratives of personal experience. A series of adven-tures in the South Seas by a new writer, stories of the early days of the west, when herds of cattle ran wild and hostile Indians lay in wait for the dauntless pioneer. But most thrilling of all is a series giving the actual experiences of a detective who was involved in the wilder life of the west. Seldom has any magazine offered such an abundance and offered such an abundance and

McClure's Magazine was advanced in price on October 1, 1907, to \$1.50 per year, but until February 1, 1908, we, Greenville Journal, will, by special arrangement with the publishers, accept your subscriptions for one or two years at the old very low rate of \$1.00 per year, \$1.50 to Canadian points, \$2.00 to points abroad.

OUR CLUBBING LIST.

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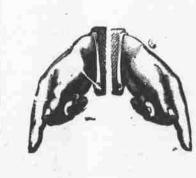


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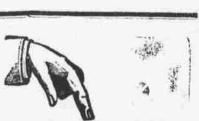


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